

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
The 4.9 GHz Band Transferred from) WT Docket No. 00-32
Federal Government Use)

ORDER EXTENDING TIME FOR FILING OF COMMENTS

Adopted: August 27, 2003

Released: August 28, 2003

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

1 On August 25, 2003, Motorola, Inc. (Motorola) filed a request for extension of time (Request) in the captioned proceeding, asking that the current date set for filing of oppositions to the petition for reconsideration filed by the National Public Safety Telecommunications Council (NPSTC) be extended by thirty days, from September 2, 2003 to October 2, 2003. Public notice of the NPSTC reconsideration petition, which was filed in response to the Commission's *Memorandum Opinion and Order and Third Report and Order* in the above-captioned proceeding,¹ was published in the Federal Register on August 18, 2003.²

2 It is the policy of the Commission that extensions of time are not routinely granted.³ Here, we note that many of the technical standards that are the subject of the NPSTC petition were based on proposals suggested by Motorola.⁴ Motorola states in the Request that representatives of it and NPSTC have begun technical discussions aimed at reaching a broader consensus that could facilitate an expeditious resolution of this proceeding and promote rapid deployment of public safety services in the 4.9 GHz band.⁵ Motorola indicates that the key technical representatives from NPSTC are scheduled to attend technical briefings at Motorola's headquarters on September 11, 2003. The results of that meeting and subsequent discussions could be reflected in filings if the Commission grants the requested extension.⁶ We believe that significant public interest benefits could be realized by allowing the public safety community and interested equipment vendors to continue ongoing discussions regarding deployment and development of 4.9 GHz band technologies in an effort to perhaps reach a consensus position. Under these circumstances, we believe that grant of the extension of time that Motorola seeks is warranted and affords interested parties the opportunity to develop a more comprehensive and complete record regarding the issues presented in NPSTC's reconsideration petition. Therefore, we grant Motorola's request, and extend the date for submitting oppositions to October 2, 2003, and the date for

¹ The 4.9 GHz Band Transferred from Federal Government Use, *Memorandum Opinion and Order and Third Report and Order*, WT Docket No. 00-32, 18 FCC Rcd 9152 (2003) (*Third Report and Order*).

² See 68 Fed. Reg. 49480 (2003). Oppositions to a petition for reconsideration filed in a rulemaking proceeding ordinarily are due fifteen days after public notice of the petition's filing is published in the Federal Register. 47 C.F.R. § 1.429(e), (f).

³ See 47 C.F.R. § 1.46(a).

⁴ See *Third Report and Order*, 19 FCC Rcd at 9172-75 ¶¶ 50-57, *Request* at 2.

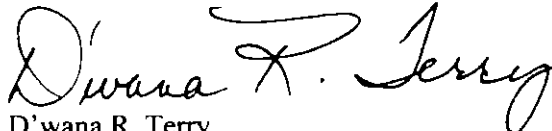
⁵ *Request* at 2.

⁶ *Id.*

submitting replies to oppositions to October 14, 2003.⁷

3 ACCORDINGLY, IT IS ORDERED that Motorola's Request for Extension of Time IS GRANTED to the extent expressed herein, and that the time for filing oppositions IS EXTENDED until October 2, 2003, and the time for filing replies to oppositions IS EXTENDED until October 14, 2003. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION



D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁷ Replies to an opposition to a petition for reconsideration filed in a rulemaking proceeding ordinarily are due ten days after the time for filing oppositions has expired. 47 C.F.R. § 1.429(g). The first business day ten days after October 3, 2003 is October 14, 2003, because October 12, 2003 is a Sunday, and October 13, 2003 is a holiday.